NUMB. 352

The Daily Gazetteer.

THURSDAY, AUGUST 12. 1736. No. 352.

WHEN the Legiſlature Power of a Kingdom has made a Law, it ought to be preſum'd, to have been done upon the juſteſt Motives, and the wiſeſt Reaſons; every Body ought to acquieſce under it, and to obey it; for who ſhall ſet his private Opinion, in Competition with the Judgment of the Legiſlature? They are ſuppoſed to be, and they certainly are, the ableſt Men in the Nation that compoſe that Aſſembly; they have the beſt Means to inform themſelves, and conſequently, they are the moſt capable of judging of what is proper and neceſſary to be done, in every Affair of a publick Nature that comes before them; and therefore, if private Perſons ſhou'd indulge themſelves in a Liberty to arraign their Conduct, or act in defiance to their Laws, there would ſoon be an End of all Government.

NOT that I would be underſtood to argue for Infallability in the Parliament, for I cannot believe Infallability even in the Church itſelf; I am ſenſible, not only the wiſeſt Man, but even the wiſeſt Body of Men, that ever had the Conduct of a Nation, may be, and often have been, miſtaken; and it is very certain, that Laws have been ſometimes made, which, upon Experience of their Effects, have been found not ſuitable to the Inclinations; and what is of much greater Conſequence, not agreeable to the Intereſts of the People; and whenever this latter has happened to be the Caſe, ſuch Laws have ſometimes been alter'd, amended or repeal'd, even in bad Reigns, and always in good ones.

BUT however this may be; the Time, the Manner and Circumſtances of doing it, ought to be left intirely to the Wiſdom of the Legiſlature; 'tis the Duty of every Man, to reſign himſelf to their Will, and to repoſe the higheſt Truſt and Confidence, in their Juſtice and Integrity; we ought to believe, that they always act for the beſt, and have only the Benefit of the Publick in view; and that if any Part of the Subjects lies under a greater Meaſure of Hardſhip or Reſtraint, from any particular Law, than the reſt, they will be redreſs'd, when it is conſiſtent with the Good of the whole Community that they ſhou'd be ſo.

BUT it is certainly a Crime of the higheſt Nature, and has always been conſider'd ſo by the Laws of this Kingdom, for the People to expreſs any Reſentments againſt the Legiſlature, or to commit any Violence or Outrage, under the Pretence of Grievances or oppreſſive Laws; they are not to deal out Juſtice to themſelves (if they had it on their Side) but to wait with Patience and Submiſſion, till proper Methods can be found for their Relief; for let them imagine what they will of their own Strength and Numbers, a *Britiſh* Parliament will be obeyed, and will be always able to ſupport its own Authority; that wiſe and powerful Body, is not to be awed by Tumults, nor controuled by Clamour.

AND indeed, a Government would ſoon fall into Contempt, if it was ever, on any Occaſion whatever, to yeild to the Fury and Violence of the Populace; for even its Lenity and Mercy, would be interpreted Weakneſs and Fear; and the more Tenderneſs and Indulgence were ſhewn, the more Inſolent and Outragious the headſtrong Multitude would grow; they are not to be bound by Obligations or Kindneſs, for Mobs have neither Senſe nor Gratitude; but as they are to be influenced only by Fears, they can be kept in Order only by Severity.

THIS is the Opinion that all Governments have conceiv'd of them, as well free States and Republicks, as abſolute Monarchies; the Laws againſt Tumults and Riots, are equally ſevere in both, and thoſe that are engaged in ſuch outrages, are puniſhed with as much Rigour in *Holland*, as in *France*; this alſo is the Notion that our Anceſtors had of them, and however the Riot Act has been repreſented as a Law, not only cruel in itſelf, but ſubverſive of the Liberties of the People, it is very evident, that by the ancient Laws of this Kingdom, ſome Species of Rioters, one of which is very common at this Day, were puniſhed with Death, tho' Clergy was allowable in all other Crimes, excepting High Treaſon only; and that even as the Law now ſtands at preſent, and as it ſtood before the making of the Riot Act, if a Man is killed in the Riot, it is not material by whoſe Hands the Fact was committed, for all concerned in the Riot, are Principals in the Murder.

ONE of theſe Species of Rioters, that were eſteem'd ſuch great Offenders by the ancient Law, that they were not allow'd their Clergy, were called *Depulatores agrorum*, which the Lord *Coke* in his third Inſtitute of the Laws of *England*, defines to be thoſe that *proſtrated or decay'd the Houſes of Habitation of the King's People*; and the Reaſon why ſuch Offenders were not allowed their Clergy was, becauſe ſuch Outrages were looked upon as Acts of Hoſtility, which approached near to Rebellion, and might, in all likelihood, end in one at laſt; and indeed, there is no other Difference between a Riot, or unlawful Aſſembly, and a Rebellion, but that the former is, when a Number of Perſons aſſemble together in a warlike Manner, upon a private Quarrel, or to pull down a particular Houſe or Incloſure only; and the latter is, when they meet together, (tho' there be no great Number) upon an Intention to pull down Houſes or Incloſures generally. And in the Reign of *Charles* the 2d. ſeveral Apprentices were by all the the Judges in *England* except one, judg'd guilty of High Treaſon, for pulling down baudy Houſes, and executed accordingly; or if any Number of Perſons aſſemble together under Pretence to remove Counſellors, or againſt any Act of Parliament, or to redreſs Grievances, or to inhance Salaries and Wages, or *to expel Strangers*, this is a levying of War and *High Treaſon*, within the Statute made in the 25th Year of *Edward* the 3d; for nothing can be more clear, than that if any Perſons think themſelves aggrieved by any Law, or complain of any Oppreſſion, or want any Relief in any particular Caſe that concerns the Publick, if they aſſemble together in any Number, and endeavour by Force to redreſs themſelves, they are guilty of *High Treaſon*, becauſe it is aſſuming to themſelves the Royal Authority, and taking the King's Power out of his Hands; for no Government will endure that the People ſhould meet together to do Right to themſelves, and be Judges and Executioners at the ſame Time.

IN the Reign of *Henry* the Eighth, it was reſolved by all the Judges of *England*, that an Inſurrection againſt the Statute of Labourers, for increaſing of Wages, was a Levying War againſt the King; becauſe as the Lord *Coke* ſays, it was generally againſt the Law, and the Offenders took upon them to reform the Statute, which they had no Right to do.

IN the 39th Year of the Reign of Queen *Elizabeth*, ſeveral Perſons were tried and executed for High Treaſon, for conſpiring to aſſemble together to pull down Incloſures: They were Indicted on the Statute made in the 13th Year of her Reign, which declared, *That during the natural Life of Queen* Elizabeth, *if any ſhould compaſs, imagine, invent, deviſe or intend to levy War againſt her Majeſty, within this Realm or without, and the ſame declare by Writing or Word, &c. it ſhould be High Treaſon*, it is true, that Statute of the 13th of *Elizabeth* is expired, and a *bare Conſpiracy* to aſſemble to pull down Incloſures, would not now be *High Treaſon*; but then if the bare conſpiring to do it was Treaſon by that Act, the actual pulling them down would be ſo at this Time.

IN the Year 1675, a great Number of Weavers in and about *London*, being offended at the *Engine Looms*, after Attempts made in Parliament and elſewhere to ſuppreſs them, they agreed to riſe and go from Houſe to Houſe to deſtroy them: In Purſuance of which, they aſſembled themſelves in great Numbers at ſeveral different Places, and broke open thoſe Houſes where they ſuſpected ſuch *Engine Looms* to be, and burnt all that they could find.

TEN of the Judges were aſſembled by the Lord Keeper, to conſider of this Caſe, the other Two being abſent; and Five of the Ten were of Opinion, that this was Treaſon; tho' it does not appear that any of thoſe Houſes that were broke open were pulled down or demoliſhed: The other Five, indeed, were of a different Opinion. It would be too long for the Compaſs of this Paper, to give the Reaſons upon which thoſe Judges grounded their different Opinions; but the Reader may find them at large in the Lord *Hale's* Hiſtory of the Pleas of the Crown, lately publiſhed.

BY the foregoing Caſes, it will appear how ſoon a Riot may be improved into a Rebellion, and therefore how neceſſary it was that a Law ſhould be made to prevent the Meeting of ſuch tumultuous Aſſemblies, or to diſperſe them after they were met; and that, not only for the Security of the Crown, but alſo in Tenderneſs to the Subject, who might be unwarily drawn in to engage in ſuch deſperate Enterprizes, without conſidering or knowing the Conſequences; by which Means many People might find themſelves involved in the Guilt of *High Treaſon*, who, perhaps, never intended any more than to commit a Riot, and which might be made a very ill Uſe of in ſome Reigns, and under ſome Adminiſtrations. But now by the Act that was made in the firſt Year of his late Majeſty, commonly called the *Riot Act*, there is no Poſſibility of miſtaking the Nature either of the Offence or the Puniſhment; both are ſufficiently aſcertained; fair Warning is to be given to the Rioters to depart peaceably to their Habitations, by a Proclamation in the King's Name, read by a known Officer or Magiſtrate; and the Rioters have an Hour's Time given them to diſperſe after the reading ſuch Proclamation; and that no Perſon ſhall be ignorant of this Act, it expreſly requires that it ſhall be openly read at every Quarter Seſſions, and at every Leet or Law Day.

NOR is this Act without Preſidents of the ſame kind in former Days; for by an Act made in the third and fourth Years of *Edward* the Sixth, it was declared to be *High Treaſon* for twelve Perſons, or above, being aſſembled together, to attempt to kill or impriſon any of the King's Council, *or to alter any Laws*, and to continue together by the Space of an Hour, being commanded by a Juſtice of Peace, Mayor, Sheriff, *&c.* to return; and further, that it ſhould be Felony for twelve Perſons, or above, to practiſe to deſtroy any Park, Pond, Conduit, or Dove Houſe; or to have Common or Way in any Ground; or *to pull down any Houſes, Barns or Mills*, or to burn any Stack of Corn; or to abate the Rents of any Lands, or the Prices of any Victual, and *to continue together an Hour, being commanded by a Juſtice of Peace, Sheriffs, Bailiffs*, &c. by Proclamation to return.

AND by another Act of Parliament, made in the firſt Year of Queen *Mary*, any Perſons, to the Number of Twelve or more, being aſſembled together, that ſhall unlawfully, and by their own Authority, intend or go about to change any of the Laws or Statutes of this Realm, or ſhall cut down Incloſures, or pull down Houſes, *&c.* and being commanded or required by the Sheriff, or any Juſtice of Peace of the County, *&c.* by Proclamation in the Queen's Name, to repair to their Habitations or Places from whence they came, and yet ſhall continue together for the Space of an Hour after ſuch Command or Requeſt made by Proclamation, ſuch continuing together, ſhall be adjudged Felons, and the Offenders ſhall ſuffer Death as Felons. And if any Perſon or Perſons unlawfully, and without Authority, by malicious *ſpeaking any Words*, or by *ſetting or caſting up any Bill or Writing*; or by any other *Deed or Act*, ſhall raiſe, or cauſe to be raiſed, any Perſons to the Number of Twelve or above, to the Intent that the ſame Perſons ſhould do or put in uſe any of the Acts above-mentioned, and that the ſame Perſons ſo raiſed and aſſembled, after ſuch Command given them to depart, ſhall continue together, *&c.* then thoſe by whoſe *Speaking, Deed, Act*, &c. ſuch Perſons, to the Number of Twelve were ſo raiſed, ſhall be adjudged Felons. And this Act againſt unlawful and rebellious Aſſemblies, was thought of ſo much Benefit to the Publick, in order to prevent and ſuppreſs ſuch Riots and Diſorders, that in the firſt Year of the following Reign, it was continued during Queen *Elizabeth's* Life, and until the End of the next Parliament.

LONDON.

A French Mail Yeſterday brought no Advices of any greater Conſequence, then that the Prince of Modena ſpent a Week at Compiegne, during which, he had the Honour to hunt the Stag and the wild Boar with the King, and was regal'd by the Cardinal de Fleury and the other Miniſters and Lords of the Court.

On

On Tuesday last the Right Honourable the Earl of Shelbourne, came to Town from Ireland to his House in Cleveland-Row, St. James's.

Last Night the Right Honourable the Earl of Halifax Auditor of his Majesty's Exchequer, came to Town from his Seat at Bushy, to his House in New Palace Yard, Westminster,

On Tuesday Night last the Corpse of Mrs. Sedgwick who lately died at the Bath, was interred in great Funeral Pomp and Solemnity in St. Martin's Church.

On Monday next his Majesty's Plate of 100 l. is to be run for at Lewis in Sussex. And,

Oon the 30th Inst. his Majesty's Plate of 100 l. is to be run for at Barham Downs at Canterbury.

On Monday Morning the 9th Instant, the Lady of Jacob Houblon, Esq; Member of Parliament for Colchester, was brought to bed of a Son and Heir, to the universal Joy of that Family, as well as the Neighbouring Parishes, which was shewn by ringing of Bells and other Demonstrations of Joy.

Cargoes of the Nassau, from Fort St. George, and the Scarborough from Bombay: Arrived on Account of the United Company of Merchants of England, Trading to the East Indies, viz.

	Pieces		Sallampores	25200
Bettellees Oringal	300		Sonnoes Bengal	106
Bombay Stuffs	200		Tapseils Large	100
Byrampauts	3400		lb.	
Chelloes Blue	2800	13000	Aloes Socatrina	
Chints Caddy	3000	1400	Cardemons	
Ditto Doorguzees	1000	47500	Carmenia Wool	
Ditto Naffermany	2000	10000	Cotton Yarn	
Ginghams White	625	684000	Pepper	
Guinea Stuffs	2880	64500	Redwood	
Lemanees	720	284000	Saltpetre	
Longcloth	42550	Besides several Parcels of		
Ditto Blue	4050	Goods, the Particulars		
Niccannees Large	1100	whereof are not yet		
Ditto Small	1080	known.		

Yesterday two Women were committed to the Gatehouse Westminster, by Justice Manley for Shop-lifting.

The same Day the four following Malefactors were executed at Tyburn, viz.

Thomas Mills and Stephen Phillips for Horse stealing.

John Maxworth (alias Parliament Jack) for Burglary. And,

John Kelsey for robbing the Cirencister Stage-Coach.

The abovesaid Malefactors behaved at the Place of Execution in a very penitent Manner, but just before they were turn'd off, Mills (who was far advanced in Years) declared that he was not guilty of the Fact.

Yesterday Bank Stock was 149 3-4ths. India 174 1-half. South Sea 99 1-half. Old Annuity 113 5-8ths. New ditto 110 3-4ths to 7-8ths. Three per Cent. 103 3-4ths. Emperor's Loan 114 1-half. Royal-Assurance 109. London-Assurance 14 5-8ths. African 16. India Bonds 61. 19 s. to 71. 1 s. Prem. Three per Cent. ditto 51. 15 s. Prem. South-Sea Bonds 51. 18 s. Prem. New Bank Circulation 71. 12 s. 6d. Prem. Salt Tallies 3 3-4ths to 6 Prem. English Copper 21. 6 s. Welsh ditto no Price. Three 1-half per Cent. Exchequer Orders 6 1-half per Cent. Premium. Million Bank 117.

Custom-house, London, 6 August, 1736.

To be SOLD,

By Order of the Honourable Commissioners of his Majesty's Customs, &c.

ON Wednesday the 18th, and Thursday the 19th Days of August Instant 1736, *at 3 o'Clock in the Afternoon of the same Days, will be put up to Sale, in the Long Room at the Custom-house, London, several Parcels of Bohea and Green Tea, Raw and Roasted Coffee, Brandy, Rum, Geneva and Tobacco, clear of all Duties.*

To be seen at the King's Ware-house on Monday the 15th, Tuesday the 16th of August Instant, and on Wednesday Morning before the Sale.

Catalogues to be had at the King's Warehouse.

THE new Map of Somersetshire by Mr. STRACHEY, is now ready for the Press, and Proposals for an History of that County are given out, and Subscriptions taken in by Mr. Senex, over against St. Dunstan's-Church, in Fleet-street; Mr. Stagg, in Westminster Hall; Mr. Cossley, in Bristol; Mr. Leake, in Bath; Mr. Brown, in Wells; Mr. Codrington, in Bridgewater; Mr. Norris, in Taunton, Booksellers: The Rev. Mr. Dodd, at Charleton-Mackerel; Mr. Wickham, Attorney, at Frome; Mr. John Thomas, Post-Master, at Crewkhern; and Mr. Woodfall, Printer, over-against Devereux Court, in the Strand.

To be Sold the ensuing Season, at Bath,

By Evans Thomas *and Comp.*

NEAT Red Port, White Lisbon, Sherry, Mountain, Canary, &c. of the best Quality. They are of the Vintage 1734, and were the Wines of Mess. Alderman Champion and Comp. of London.

The said Evans Thomas and Comp. have now in great Perfection, upwards of 200 Pipes of the above-mention'd Wines in their Vaults; and the Publick may henceforward depend (notwithstanding the great Opposition with which this Undertaking is threaten'd) that they shall be constantly supply'd to their entire Satisfaction.

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6. Dr Roger's 17 Sermons on several Occasions.

7. Bishop Atterbury's Sermons in 4 Vols. 8vo.

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4. A Short View of the long Life and Reign of *Henry* [illegible] By Sir *Robert Cotton*.

5. The Danger wherein the Kingdom now standeth, [illegible] the Remedy. By the same Hand. 1628.

6. *Vox Civitatis*; or, *London's* Complaint. 1625. [illegible] tain Protest of the House of Commons (in 1604) against [illegible]

7. Infringements of the Court, &c. MS.

8. Remarkable Passages which occurred from the Meeting of the Parliament the 23d of *January* 1657. to their Dissolution. Also a List of their Names who sat in the other House, as greatly design'd for a House of Lords, with a brief Description of their Merits and Deserts.

9. A most notable Speech concerning the other House, *March* 1659.

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They instantly relieve the Patient in the most suffocating Fit of an Asthma, and make a perfect Cure in a very little Time; for they gently open the Breast, and immediately give Liberty of Breathing, without danger of taking Cold; they admirably allay the Tickling, which provokes frequent Coughing, and take off the uneasy Sensation of acrimonious Humours, cleanse the small Glands, relax the Fibres, and thereby enlarge the Capacities of the Vessels; thus they regulate and quickly Cure the most obstinate Asthma of the longest standing.

They speedily and to Admiration cure all Sorts of Consumptions, Ulcers of the Lungs, &c. removing all Obstructions of the Breast, and Lungs, Hoarseness, Wheesing, Soreness, Straitness of Breath, and all the usual Symptoms which attend the Beginnings of a Consumption; and, if taken in time, will infallibly prevent one when feared. They are also exceeding restitive and strengthening to Persons of weakly Constitutions, and have no other sensible Operation than as mentioned above.

And by Parity of Reasoning this most excellent Medicine (and well known to be) the most sovereign Remedy in the World for those troublesome spending Coughs, which many are severely troubled with Night and Morning; also for the Chin-Cough, and Hooping-Cough in Children, having cured Thousands; and are so pleasant, and so few Drops to a Dose, that Children take them with Pleasure, and without any Confinement.

In short, these unparallel'd Chymical Drops are the most infallible Remedy that ever was known (therefore they defy the faint Efforts of any Counterfeiters or Imitators) for the Ailments above-mentioned, and allowed to be so by the most Judicious amongst the Learned in Physick; and confirmed by the largest Experience in private Practice, are therefore made for Publick Common Good.

LONDON: Printed for T. COOPER, at the *Globe* in *Pater-noster-Row.*